

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS M. KELLEY,
Plaintiff,

v.

Civil Action No. 05-10596-NMG

TOWN OF PLYMOUTH, et al
Defendants.

JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

Now come the parties in the above-captioned matter and jointly request this Honorable Court to extend the deadlines of its current Scheduling Order by an additional 45 days (including discovery and filing of dispositive motions).

As grounds for their motion, the parties states as follows:

1. Plaintiff filed this action in the Plymouth Superior Court on March 2, 2005. Said case was removed to the Federal District Court on March 28, 2005.
2. The Scheduling Order currently requires that all fact depositions be completed by September 29, 2006. Additional time is needed to conduct depositions. Both Counsel for the parties are confident that they can notice and complete depositions by December 15, 2006.
3. The Plaintiff served subpoenas on the Inspector General's Office to obtain records from the Keeper of the Records and to conduct the depositions of Deputy Inspector General Daniel O'Neil and former Deputy Inspector Edward Quinn scheduled for September 6, 2006. On August 14, 2006, Assistant Attorney General Christine Baily entered her appearance on behalf of the Inspector General's Office, Deputy Inspector General Daniel O'Neil and former Deputy Inspector Edward Quinn and filed a Motion to

Enlarge Time to Object to Subpoenas & Stay Depositions until August 29, 2006.

Assistant Attorney General Baily served her objections on Attorney Gallitano on August 29, 2006, however she also sought his assent to a second Motion to Enlarge Time to Object to Subpoenas and Stay Depositions to September 29, 2006, the current deadline for taking depositions.

4. In addition to deposing the Deputy Inspector General's indicated above, the parties still need to conduct the deposition of Chief Robert Pomeroy, Officer Larry Rooney, and the continued deposition of the Plaintiff, Thomas M. Kelley. Due to trial schedules and summer vacations it has been difficult to schedule these depositions and additional time is needed to conduct and finish the depositions.

5. Neither the parties nor the Court will suffer any prejudice by this brief amendment of the scheduling order in this case. Rather, amending the Scheduling Order will allow the parties to prepare the case properly, and may narrow or resolve the issues and allow for a more streamlined trial, if trial is necessary.

6. By amending the Scheduling Order it will be necessary to extend the remaining scheduling dates as follows: Designation of plaintiff's trial experts by January 15, 2007, and designation of defendant's trial experts by February 15, 2007; all expert depositions by April 16, 2007; all dispositive motions for summary judgment by May 31, 2007 and responses by June 22, 2007. All discovery to be complete by April 16, 2007. Final Pre-trial Conference date to be rescheduled to a date after June 22, 2007.

WHEREFORE, the parties respectfully request that the Court amend the scheduling order as set forth above and grant such further relief as the Court deems just and proper.

Respectfully submitted,

Plaintiff, Thomas M. Kelley
By his attorney

Defendant, Town of Plymouth,
By its Attorney

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Dated: August 31, 2006